

HOUSE BILL 985

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

John A. Heaton

AN ACT

RELATING TO CRIME STOPPERS; REVISING THE NAME OF THE CRIME STOPPERS ADVISORY COUNCIL; ADMINISTRATIVELY ATTACHING THE CRIME STOPPERS COUNCIL TO THE DEPARTMENT OF PUBLIC SAFETY; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 29-12A-2 NMSA 1978 (being Laws 2003, Chapter 249, Section 2) is amended to read:

"29-12A-2. ~~[ADVISORY]~~ CRIME STOPPERS COUNCIL--
COMPOSITION--VACANCIES--PAYMENT.--

A. The "crime stoppers ~~[advisory]~~ council" is created and is administratively attached to the department of public safety. The council ~~[shall consist]~~ consists of five members from local crime stoppers programs, four of whom shall be from the four quadrants of the state and one from

.163875.1

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 Albuquerque. All members of the council shall be appointed by
2 the governor for two-year terms.

3 B. A vacancy on the council shall be filled by
4 gubernatorial appointment for the remainder of the unexpired
5 term. A vacancy on the council shall not impair the right of
6 the remaining members to exercise all the powers and duties of
7 the council.

8 C. Members of the council shall receive per diem
9 and mileage as provided in the Per Diem and Mileage Act and
10 shall receive no other compensation or allowance."

11 Section 2. Section 29-12A-3 NMSA 1978 (being Laws 2003,
12 Chapter 249, Section 3) is amended to read:

13 "29-12A-3. POWERS AND DUTIES OF [~~ADVISORY~~] COUNCIL.--

14 A. The powers and duties of the crime stoppers
15 [~~advisory~~] council are to:

16 (1) advise and assist in the creation and
17 maintenance of local crime stoppers programs;

18 (2) certify local crime stoppers programs for
19 the purposes of confidentiality of records, privileges and
20 immunities set forth in the Crime Stoppers Act;

21 (3) encourage the media to promote the
22 functions of local crime stoppers programs; and

23 (4) facilitate training for local crime
24 stoppers programs.

25 B. The council shall not take part in the receipt

.163875.1

underscored material = new
[bracketed material] = delete

1 of reports or tips regarding criminal activity."

2 Section 3. Section 29-12A-4 NMSA 1978 (being Laws 2003,
3 Chapter 249, Section 4) is amended to read:

4 "29-12A-4. CONFIDENTIALITY OF RECORDS.--

5 A. Evidence of a communication between a person
6 submitting a report to a local crime stoppers program and the
7 person accepting the report on behalf of the program is not
8 admissible in a court or an administrative proceeding, except
9 as provided in Subsection B of this section.

10 B. Records and reports of a local crime stoppers
11 program are confidential and shall not be produced before a
12 court or other tribunal, except on a motion by:

13 (1) a criminal defendant claiming that a
14 record or report contains specific evidence that is exculpatory
15 to the defendant on trial for that offense; or

16 (2) a person in civil court who has been
17 exonerated of a criminal charge that was filed as a result of a
18 report to a local crime stoppers program, and denial of access
19 to a record or report would leave the person without the
20 ability to offer prima facie proof that a legal injury was
21 suffered through the wrongful acts of another.

22 C. Upon motion made pursuant to Subsection B of
23 this section, a court may subpoena a record or report, but
24 shall conduct an in camera inspection of the materials produced
25 to determine whether there is evidence as alleged to warrant

.163875.1

underscored material = new
[bracketed material] = delete

1 disclosure pursuant to Subsection B of this section. If the
2 court finds such evidence, the court shall determine how much
3 of the evidence to disclose and whether the identity of the
4 person who submitted the report to the local crime stoppers
5 program must be disclosed.

6 D. The court shall protect the identity of a person
7 who submits a report to a local crime stoppers program as it
8 would protect the identity of a confidential police informer.

9 E. A local crime stoppers program shall be
10 certified by the crime stoppers [~~advisory~~] council before it
11 can claim confidentiality under this section."

12 Section 4. TEMPORARY PROVISION.--All appointments to the
13 crime stoppers advisory council shall be deemed to be
14 appointments to the crime stoppers council. All personnel,
15 appropriations, money, records, furniture, equipment and other
16 personal and real property of the crime stoppers advisory
17 council shall be transferred to the crime stoppers council.

18 Section 5. APPROPRIATION.--Seventy thousand dollars
19 (\$70,000) is appropriated from the general fund to the
20 department of public safety for expenditure in fiscal year 2008
21 for administrative and operating costs and per diem and mileage
22 expenses of the crime stoppers council. Any unexpended or
23 unencumbered balance remaining at the end of fiscal year 2008
24 shall revert to the general fund.